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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 4296

1 February 2024

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****AMENDMENT OF THE TRANSITIONAL ARRANGEMENTS IN THE FINANCIAL PROVISIONING
REGULATIONS, 2015**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby extend the date of compliance for holders of rights and permits obtained under the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) regime through an amendment of the transitional arrangements contained in the Financial Provisioning Regulations, 2015, as amended, in terms of section 44(1)(aE), (aF), (aG) and (aH), read with sections 24(5)(b)(ix), 24(5)(d), 24N, 24P, 24PA and 24R of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

The extension is necessary as the proposed amendments to the Financial Provisioning Regulations, 2015 have not been finalised. Existing holders as identified above, will therefore not have certainty as to the requirements for setting aside the financial provision.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

Definition

1. In these Regulations, any word or expression to which a meaning has been assigned in the National Environmental Management Act, 1998 (Act No. 107 of 1998) shall have the meaning so assigned, and “the Regulations” means the Financial Provisioning Regulations, 2015, published under Government Notice No. R. 1147 in *Government Gazette* No. 39425 of 20 November 2015, as amended from time to time.
2. **Substitution of regulation 17A of the Regulations**

Regulation 17A of the Regulations is hereby amended by the substitution for regulation 17A of the following regulation:

“17A. Extension of transitional period for holders of offshore exploration and production rights

Notwithstanding the provisions of regulation 17, and the extension of the transitional period published in Government Notice No. R. 452, published in *Government Gazette* No. 41584 of 20 April 2018, a holder of an offshore exploration or production right, who applied for such right prior to 20 November 2015, regardless of when the right was obtained—

- (a) must by no later than a date published in the *Government Gazette* comply with these Regulations; and
- (b) shall, until such date published in the *Government Gazette* contemplated in paragraph (a), be regarded as complying with the provisions of these Regulations, if such holder complies with the provisions and arrangements regarding financial provisioning, approved as part of the right issued in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).”.

Substitution of regulation 17B of the Regulations

3. Regulation 17B of the Regulations is hereby amended by the substitution for regulation 17B of the following regulation:

“17B Extension of the transitional period

Unless regulation 17A applies, a holder, or holder of a right or permit, who applied for such right or permit prior to 20 November 2015, regardless of when the right or permit was obtained—

- (a) must by no later than a date published in the *Government Gazette* comply with these Regulations; and

- (b) shall, until such date published in the *Government Gazette* contemplated in paragraph (a), be regarded as complying with the provisions of these Regulations, if such holder complies with the provisions and arrangements regarding financial provisioning, approved as part of the right or permit issued in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).”.

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